

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Aetna Life Insurance Company,

Plaintiff,

V.

Methodist Hospitals of Dallas, *et al.*,

Defendants.

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No. 3:14-cv-00347-M

**PLAINTIFF AETNA LIFE INSURANCE COMPANY'S
UNOPPOSED MOTION FOR LEAVE TO FILE SUPPLEMENTAL APPENDIX
AS PART OF ITS RESPONSE TO DEFENDANTS' NEW FILING**

TO THE HONORABLE JUDGE OF SAID COURT:

The Court ordered the parties to file supplements to their prior briefs on Defendants' Joint Rule 12(b)(7) Motion to Dismiss on or before December 18, 2014. The Court further ordered that no Replies will be permitted and no additional appendices may be filed, except by a Motion and a granted Order.

On the day the briefs were due, the Hospitals sought leave to file a declaration from their attorney attaching deposition excerpts, internal Hospital documents, and a pleading from a state-court lawsuit.

ALIC filed a Response to the Hospitals' Motion for Leave explaining that, in the event leave was granted to the Hospitals, ALIC

would also “request leave to submit additional, responsive evidence that in fairness and for the sake of completeness must also be considered.”

The Court granted the Hospitals’ request to file the additional exhibits and provided that ALIC may submit a Response to the Hospitals’ new filing on or before January 9, 2015. Both parties filed their supplemental briefs as required by the Court’s order.

ALIC now seeks leave to file a supplemental appendix as part of its Response to the Hospitals’ new exhibits. The Hospitals made merits use of the new exhibits in their brief on December 18th while the Motion for Leave was pending. ALIC seeks leave to file deposition excerpts and the Affidavit of John Privet authenticating adjudication information for the specific medical claims identified in the Hospitals’ supplemental documents.

ALIC conferred with the Hospitals, and the Hospitals do not oppose ALIC’s submission of the exhibits as part of its response.

WHEREFORE, Plaintiff Aetna Life Insurance Company prays that the Court enter an order granting ALIC leave to file an appendix as part of and in support of its response to the Hospitals’ new filing.

Dated: January 7, 2015

Respectfully submitted,

ANDREWS KURTH LLP

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CERTIFICATE OF CONFERENCE

I certify that I provided the exhibits to and conferred with Mikal Watts and Will Maiberger, counsel for the Hospitals, and Mr. Maiberger advised that the Hospitals do not oppose submission of the exhibits.

John B. Shely
John B. Shely

CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2015, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who are known "Filing Users."

John B. Shely
John B. Shely

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ORDER

Upon consideration of Plaintiff Aetna Life Insurance Company's Unopposed Motion for Leave to File Supplemental Appendix as part of its Response to Defendants' New Filing (the "Motion"), and any response thereto, the Court is of the opinion that the Motion should be granted.

IT IS THEREFORE ORDERED that the Motion is GRANTED and Plaintiff Aetna Life Insurance Company is granted leave to file an Appendix as part of and in support of its response to Defendants' Supplemental Brief Concerning Joint Rule 12(b)(7) Motion to Dismiss.

UNITED STATES DISTRICT JUDGE